

Last update: 15/03/2021

The Netherlands

Membership to the Council of Europe	5 May 1949
Entry into force of the European Convention on Human Rights	31 August 1954
First case under supervision of execution	<i>Engel and others</i> (5100/71) Judgment final on 8 June 1976
Total number of cases transmitted for supervision since the entry into force of the Convention	146
Total number of cases closed by final resolution	141

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Conditions of detention

Inhuman and/or degrading treatment on account of the poor conditions of detention pending extradition proceedings in Philipsburg Police Station in Sint Maarten.

Corallo (29593/17)
Judgment final on 09/10/2018

Status of execution
Enhanced supervision

> Irreducible life sentences

Inhuman and/or degrading treatment on account of the *de facto* irreducibility of a life sentence due to the lack of any kind of psychiatric treatment or even of any assessment of the needs and possibilities of such treatment.

Murray (10511/10)
Judgment final on 26/04/2016

Status of execution
Standard supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

SUPERVISION CLOSED - MAIN REFORMS ADOPTED **

> **Actions of security forces outside State borders**

Following an evaluation of the **administration of military criminal justice with regard to operations in high-risk areas, training and consultation measures were enhanced**. The Public Prosecution Service issued an investigation manual specifically for actions to be taken during military operations.

Jaloud (47708/08)
Judgment final on 20/11/2014

**Final Resolution
CM/ResDH(2018)47**

> **Conditions of detention**

Adoption of general measures to tackle problems identified in the prison system of Aruba:

- creation of a Commission on the Supervision of Prison Cells and Treatment of Detainees;
- renovation of prison facilities;
- training and recruitment of prison staff and police personnel;
- all prisoners are guaranteed the care required by their state of health;
- policy regarding disciplinary punishments adjusted.

Mathew (24919/03)
Judgment final on 15/02/2006

**Final Resolution
CM/ResDH(2016)126**

> **Detention and related issues - mentally-ill**

Shortened pre-placement detention of convicted persons suffering from mental disorder awaiting their placement into a custodial clinic, after serving their imposed prison sentences: according to the new case-law of the Supreme Court, such placement shall not exceed 4 months.

Operational capacities of custodial clinics were improved and a compensation scheme for lengthy pre-placement detention was established as from 2007.

Morsink group (48865/99+)
Judgment final on 10/11/2004

**Final Resolution
CM/ResDH(2014)294**

Court decisions imposing TBS orders (detention in a custodial clinic for safety reasons) henceforth provide clear information whether or not such orders are related to an “offence that is directed against, or endangers, the bodily inviolability of one or more persons”. Moreover, the Supreme Court clarified the conditions under which TBS orders can be extended.

Van der Velden (21203/10)
Judgment final on 31/10/2012

**Final Resolution
CM/ResDH(2015)91**

> **Freedom of expression - protection of journalistic sources**

Legislative amendments of the Code of Criminal Procedure (in 2018) and in the new Intelligence and Security Services Act 2017 in order to better protect journalists against measures aimed at compelling them to disclose their journalistic sources or at identifying these sources through secret surveillance measures.

Voskuil group (64752/01)
Judgment final on 22/02/2008

**Final Resolution
CM/ResDH(2018)437**

> **Foreigners - conditions of reception and lawfulness of detention**

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV “Main achievements”. As regards the period 1959-1998, see the overview provided by the European Court in its special publication “[Survey : 40 years of activity](#)”, section IV “Effects of judgments and decisions” – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

New policy in cases concerning the right to family reunion of minors with a parent legally residing in the Netherlands. It is now assumed that a child fulfills the legal requirement of “factual family ties” with the parent concerned if family life within the meaning of Article 8 of the Convention exists.

Tuquabo-Tekle and Others
(60665/00)
Judgment final on 01/03/2006

Final Resolution
CM/ResDH(2010)108

Adjustment of the guidelines for the Immigration and Naturalisation Service on how to implement Article 8 of the Convention in the decision-making process, notably in order to make the assessment of requests for a residence permit more thorough and visible.

Jeunesse (12738/10)
Judgment final on 03/10/2014

Final Resolution
CM/ResDH(2015)145

> **Protection of home and correspondence**

Circumstances and conditions in which authorities are empowered to carry out measures of secret surveillance clearly set out in the new Intelligence and Security Services Act 2002. The Act identifies the persons liable to be subject of secret surveillance and contains a description of the means to be employed to that end. It defines the new procedure concerning requests for access to security service files, as well as the appellate instance.

R.V. and Others (14084/88+)
Judgment final on 04/03/1991

Final Resolution
CM/ResDH(2007)86

New regulations regarding the monitoring and recording of detainees' communications with the outside world, establishing a clear and detailed framework for such monitoring as well as the storage and use of information obtained. Inmates must be informed of the recording of telephone conversations. Recordings may be transmitted to third parties only under exceptional circumstances such as the protection of public order or national security.

Doerga (50210/99)
Judgment final on 27/07/2004

Final Resolution
CM/ResDH(2011)137

> **Protection of private and family life**

Adoption of the binding policy framework “Standards 2000” establishing new rules for the procedure before the Child Welfare Board; the new procedures provide inter alia the involvement of parents in the decision-making process concerning the placement of children into care as well as an intervention of a behavioural psychologist and a legal expert in child protection cases

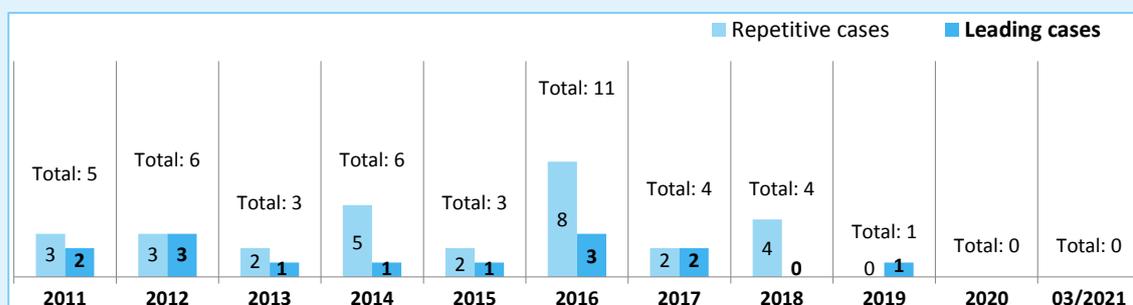
Venema (35731/97)
Judgment final on 17/03/2003

Final Resolution
CM/ResDH(2010)9

STATISTICS***

New cases

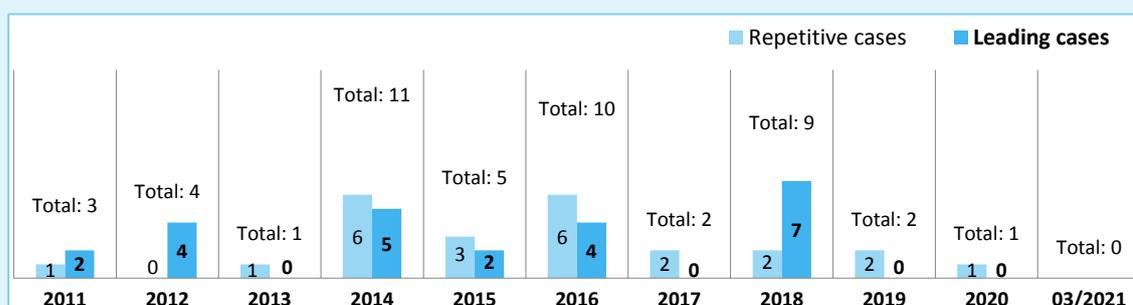
(judgments transmitted for supervision of their execution during the year)



Pending cases



Cases closed by final resolution



Just satisfaction awarded by the European Court

*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.